

UNITED STATES DISTRICT COURT  
FOR THE  
STATE OF NEW MEXICO

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEW MEXICO  
2022 OCT 20 PM 3:51  
CLERK-LAS CRUCES

Larry Marker  
Pro-Se Petitioner

Vs.

Case No. 22-CV-784  
Judge \_\_\_\_\_

State of New Mexico,  
Office of the Governor,  
Office of the Secretary of State,  
Office of the Attorney General,  
Defendants

**EMERGENCY PETITION FOR INJUNCTIVE RELIEF**

1-Larry Marker (Petitioner) an Independent, Declared write-in Candidate for the Office of Commissioner of Public Lands in the New Mexico General election to be held Nov. 8<sup>th</sup> 2022. Petitioner is requesting this Court issue an Emergency Temporary Restraining Order that would bar the State of New Mexico from using the existing uncertified and inequitable voting system to tabulate the New Mexico General Election on Nov. 8<sup>th</sup> 2022, pending the conclusion of judicatory action on Case No. S-1-SC-39578.

2-Petitioner did on September 22<sup>nd</sup> 2022 file with the Supreme Court of the State of New Mexico an "Expedited Petition for Writ of Mandamus". Petition for Writ is requesting the NM Supreme Court to issue a Writ of Mandamus that will instruct the New Mexico Secretary of State to decertify existing New Mexico voting

systems and remove those same systems from use in the upcoming 2022 general election.

3-The New Mexico Supreme Court has failed to timely adjudicate the matter.

4-This Court's Jurisdiction in this matter is Pursuant to Article III Section 2 of the United States Constitution relative to Federal and State election laws and voting rights.

5-Petitioner as a candidate and voter will suffer irreparable damage should the State of New Mexico continue to use voting systems that are not currently certified as mandated by law.

6-Strict adherence to election laws is in the best interest of the citizens of the state of New Mexico.

7-As per a review of the balance of equities the State of New Mexico would suffer little or no damage from the Courts issuance of a Temporary Restraining Order. Statutory provisions are in place to proceed with the election by hand tabulation, please see Section 1-12-43 NMSA and 1-12-65 NMSA.

8-Current New Mexico voting systems are in violation of at least these specific Statutes: 1-9-7.4 A, 1-9-7.4 B, Each of nine provisions of 1-9-14, 1-9-7.10 and 1-9-1A. NMSA.

9-A review of the facts and applicable Statutes indicates Petitioner will likely prevail in the cause of action filed in the New Mexico Supreme Court.

10-As per referenced statute the lack of mandated certification requirements do in fact by law render the existing New Mexico voting systems illegal and unsuitable for use in New Mexico elections.

11- Attached to this Petition are three separate Exhibits Exhibit C is a letter sent to Dominion voting systems please note the Secretary of States comments in the third paragraph.

12-Exhibit D is a news release copied from the EAC web site announcing the adoption of VVSG 2.0 on Feb. 10<sup>th</sup> 2021.

13-Exhibit E is an excerpt from the NM Secretary of States web site “Rumor vs Reality” section. Please note the section beginning at the bottom of the first page continuing to the second page explaining the insufficiencies of the current certification and that as of Sept. 2022 New Mexico voting systems had not been tested to the latest adopted standards.


14-The facts are clear. existing New Mexico voting systems are not certified within the latest Voluntary Voting System Standards.

15-New Mexico law is also clear voting systems that are not certified within the latest VVSG standards are to be decertified for use in this state for specific language Please see Section 1-9-7.4 NMSA.

### Relief Requested

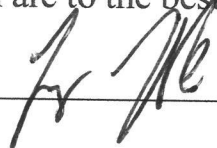
Petitioner is requesting this Court issue a Temporary Restraining Order barring the State of New Mexico from using the existing insufficiently certified voting system to tabulate the New Mexico General Election on Nov. 8<sup>th</sup> 2022, pending the conclusion of judicatory action on Case No. S-1-SC-39578 now pending in the New Mexico Supreme Court.

Respectfully Submitted:  
Larry Marker  
PO Box 3188  
Roswell NM 88202  
larrym\_gdc@hotmail.com  
575-910-0300

  
10-20-22

I, Larry Marker state and affirm that the statements and facts presented within this emergency petition are to the best of my knowledge true and correct.

Larry Marker



Date

10-20-22

Certificate of Service.

I certify a copy of this Petition is mailed certified to:

New Mexico Secretary of State  
Maggie Toulouse Oliver  
325 Don Gaspar suite 300  
Santa Fe NM 87502

Attorney General  
State of New Mexico  
Hector Balderas  
PO Box 1508  
Santa Fe NM 87504

Office of the Governor  
490 Old Santa Fe Trail  
Room 400  
Santa Fe New Mexico 87501

*Jr*  
*10-20-22*



U.S. ELECTION  
ASSISTANCE  
COMMISSION

(/)

Media

# NEWS

## U.S. ELECTION ASSISTANCE COMMISSION ADOPTS NEW VOLUNTARY VOTING SYSTEM GUIDELINES 2.0

**Back to news (/news/)**



For Immediate Release  
February 10, 2021

**Updated guidelines pave way for  
next generation of voting  
systems across the country**

*Washington, DC* – Today, the U.S. Election Assistance Commission (EAC) announced the adoption of the Voluntary Voting System Guidelines (VMSG) 2.0, a major step toward improving the manufacturing and testing of voting machines. The

four EAC Commissioners unanimously approved the VMSG 2.0 documents including the Principles and Guidelines and Requirements, as well as approving the Testing and Certification Program Manual, and Voting System Test Laboratories (VSTL) Manual during a public meeting this morning.



The VVSG 2.0 represents a significant advancement in defining standards that will serve as the cornerstone of the next generation of voting systems. It lays the groundwork for 21st century voting systems that are desperately needed with improved cybersecurity, accessibility, and usability requirements. The VVSG 2.0 also supports various audit methods supporting software independence to confirm the accuracy of the vote and increase voter confidence. With its adoption, manufacturers are empowered to begin designing and building voting machines according to these new guidelines.

"The VVSG 2.0 was formulated through a painstaking, meticulous process by a diverse body of stakeholders. This standard shows that a robust and credible framework is achievable with the right level of urgency, resources, commitment, and collaboration," said EAC Chairman Ben Hovland.

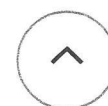
As elections are decentralized throughout the country, the VVSG are the only set of uniform specifications and requirements against which voting systems can be tested to determine if the voting systems meet required standards. Some factors examined under these tests include basic functionality, accessibility, accuracy, reliability, and security capabilities.

"The VVSG 2.0 represents a significant leap forward in states' ability to modernize their own standards and voting systems to ensure the most secure, transparent, and accurate elections possible," remarked EAC Vice Chair Don Palmer.

HAVA mandates that the EAC develop and maintain these requirements. Despite the requirements being voluntary, at least 38 states use the standards in some way making today's vote on advancing of the next version of VVSG very important. This is the most significant update of the federal standards for voting technology since VVSG 1.0 was adopted in 2005.

The major updates included in the VVSG 2.0 are the following:

- Improved cybersecurity requirements to secure voting and election management systems associated with the administration of elections.
  - Software independence
  - Requires systems to be air-gapped from other networks and disallows the use of wireless technologies
  - Physical security
  - Multi-factor authentication
  - System integrity



- Data protection
- Interoperability
  - Ensures devices are capable of importing and exporting data in common data formats
  - Requires manufacturers to provide complete specifications of how the format is implemented
  - Requires that encoded data uses a publicly available method
- Improved accessibility requirements to enhance the voting experience for voters with disabilities:
  - VVSG 2.0 allows for systems where all voters can vote privately and independently throughout the voting process:
    - Marking
    - Verifying
    - Casting
  - Language access throughout the process
  - Improved documentation requirements for accessibility testing
  - Voter privacy features
  - Accessibility requirements derived from federal laws
- Other Changes
  - Ballot secrecy
  - Improved auditability
  - User-centered design
  - Reorganized to simplify usage and focus on functional requirements
- Manuals
  - Penetration testing
  - Component testing pilot program

The EAC employed numerous parallel processes to get to the finish line with Executive Director, Mona Harrington, providing a recommendation of adoption of the VVSG 2.0 today. "Our work is not completed. The EAC will continue to work with NIST's National Voluntary Laboratory Accreditation Program (NVLAP) to make updates for VVSG 2.0 to provide accreditation of labs, develop a VVSG Lifecycle

Policy, and implement an end-to-end cryptographic protocol evaluation plan. We are very excited about today's vote and what that means for the future of voting systems."

The EAC Commissioners, Chairman Ben Hovland, Vice Chair Don Palmer, Commissioner Thomas Hicks, and Commissioner Christy McCormick, issued this joint statement, "It was a pleasure to work with such a knowledgeable and diverse team of experts to define a new standard. We are proud of the work accomplished. An exciting future awaits but there is a lot of hard work yet to be done. We look forward to those next steps and to see these standards implemented."

A recording of today's meeting is available on the **EAC's YouTube channel** (<https://www.youtube.com/channel/UCpN6i0g2rIF4ITWhwvBwwZw/videos>). Additional information on the VVSG 2.0 is available **on the EAC's website** (</voting-equipment/voluntary-voting-system-guidelines>).

# # #

*The U.S. Election Assistance Commission (EAC) was established by the Help America Vote Act of 2002 (HAVA). It is an independent, bipartisan commission charged with ensuring secure, accurate and accessible elections by developing guidance to meet HAVA requirements, adopting voluntary voting system guidelines, and serving as a national clearinghouse of information on election administration. EAC also accredits testing laboratories and certifies voting systems, as well as administers the use of HAVA funds. For more information, visit **www.eac.gov** (<https://www.eac.gov/>).*

EAC Contact: Kristen Muthig

Phone: 202-897-9285

Email: [kmuthig@eac.gov](mailto:kmuthig@eac.gov) (<mailto:kmuthig@eac.gov>)

## Tags

voluntary voting system guidelines (VVSG), media

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STATE OF NEW MEXICO

**MAGGIE TOULOUSE OLIVER**

SECRETARY OF STATE

August 19, 2021

Melissa Romero  
Dominion Voting Systems  
[Melissa.romero@dominionvoting.com](mailto:Melissa.romero@dominionvoting.com)

**Re: Certification of Democracy Suite Voting System Version 5.4**

Dear Ms. Romero

Thank you for presenting the Dominion Democracy Suite 5.4 voting system during the August 4, 2021 meeting of the Voting System Certification Committee (VSCC) for the committee's consideration of recommending certification of your voting system to the Secretary of State (SOS) as required pursuant to NMSA 1978 Section 1-9-7.2.

During the meeting, the VSCC members voted unanimously to recommend certification of your system to the SOS. Therefore, in accordance with NMSA 1978 Section 1-9-14(H), the Secretary of State is pleased to certify your system for use in elections in this state.

Please note, however, that Sections 1-9-7.4(B) and 1-9-14 NMSA 1978 require that all voting systems certified for use in New Mexico to comply with the most recent VVSG to maintain certification. While we understand that certification to VVSG 2.0 is not currently possible given the current stage of work at the Election Assistance Commission, it is imperative that you keep us informed of any progress, including a timeline and path toward certification, as work continues in this area.

In the meantime, if any functional changes are made to the voting system that may impact the current certification, your system will be required to go through testing and certification again to determine whether the system maintains all mandatory functionality required by the New Mexico election code and remains suitable for use in elections in the state. Please communicate any software or version changes to the SOS prior to implementing them for use.

Finally, please ensure that you provide updated source code escrow information for the voting systems and that New Mexico has been granted access pursuant to Section 1-9-7.11 NMSA 1978.

Thank you very much for your continued interest in working with our office and the county clerks and your diligent efforts in support of the successful conduct of elections in New Mexico. Should you have any further questions or concerns, please don't hesitate to contact my office.

Best Regards,

Maggie Toulouse Oliver  
Secretary of State

does also not include any information on voters participating in the Secretary of State's Safe At Home Program for s Translate ▼ domestic violence, sexual assault or stalking.

WILL MY VOTER INFORMATION REMAIN ON THE WEBSITE EVEN IF I CANCEL MY VOTER REGISTRATION?

Yes.

The voter data currently being used by the Voter Reference Foundation is from New Mexico's voter rolls as they were in April 2021. So, even if you cancel your voter registration now, that snapshot of your information from April 2021 will remain on their website. Should other entities obtain voter data and make that data available on-line, the data will reflect the point in time it was requested by that entity and will not reflect the current status of any one registration.

HOW ARE PARTICIPANTS IN THE SAFE AT HOME CONFIDENTIAL ADDRESS PROGRAM AFFECTED?

The *Safe at Home* program allows survivors of domestic violence, sexual assault, attempted sexual assault, and stalking to receive mail using the Secretary of State's address as a substitute for their own, while keeping their actual address confidential.

The participant's confidential address will not appear on any list of registered voters made available to the public. So, the voter data for current *Safe at Home* participants should not be included in the Voter Reference Foundation's searchable database.

However, there are certain circumstances where a participant's information might be included in the Voter Reference Foundation's database – for example, if a *Safe at Home* participant did not enroll in the program until after April 2021.

If you are a *Safe at Home* participant (or a prospective participant) and have questions about these issues, please contact our office at 1-800-477-3632

## **RUMOR vs. REALITY: Are New Mexico's Voting Machines Certified?**

Yes, New Mexico's election administrators are in compliance with all state and federal laws regarding voting machine certification.

It's important to note that the bi-partisan Voting System Certification Committee certifies machines for use in [Translate](#) . The latest testing/certification process was completed in 2021, following state statute.

The Federal Election Assistance Commission (EAC) publishes federal standards for voting machine certification, known as Voluntary Voting System Guidelines (VVS<sub>G</sub>). All EAC-approved systems across the nation are currently certified to the VVS<sub>G</sub> 1.0.

While VVS<sub>G</sub> 2.0 was adopted by the EAC in February 2021, the EAC has not yet certified any independent voting system testing laboratories ("VSTLs") to test and certify voting systems to these new standards. The National Institute of Standards and Technology ("NIST") develops the test processes and procedures for VSTLs. At the time of voting system certification, the NIST had no test process and procedures that were certified by the EAC, therefore making it impossible to test and inspect the voting systems pursuant to VVS<sub>G</sub> 2.0 standards.

Once the EAC has testing and certification procedures in place for VVS<sub>G</sub> 2.0, New Mexico will initiate a new voting system certification initiative. As of September 2022, the EAC has not certified any VSTLs to test and certify voting systems to VVS<sub>G</sub> 2.0, and therefore no state can test to this standard.

## **RUMOR vs. REALITY: Could someone change election results?**

We have a variety of safeguards in New Mexico that ensure the accuracy of election results.

Most notably, we conduct mandatory post-election audits after every election (these double-check that all the counts were correct) and use 100% paper ballots in every election (this ensures there's always physical ballots that can be recounted/examined if need be).

We also conduct pre-election certification of all voting systems/machines.

## **RUMOR vs. REALITY: Are New Mexico's vote counting machines ever connected to the Internet?**

No. New Mexico utilizes air-gapped counting systems, which means that our vote tabulators are prevented by law and process from being joined to a computer network or the Internet.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

LARRY MARKER

Plaintiff(s),

vs.

No. CIV

STATE OF NM ET AL

Defendant(s).

INFORMATION SHEET FOR T.R.O.

Attorney(s) for Plaintiff(s): (include phone #)

PROSE LARRY MARKER  
575-910-0300

Attorney(s) for Defendant(s): (include phone #)

Hector Baldeas  
NM ATTORNEY GENERAL

Nature of Underlying Claim: (contract, tort, environment, etc.)

Petition for TRO

Jurisdiction: (Cite Statutes)

PLEASE see Petition For Injunctive Relief

Precise statement of activity sought to be restrained or compelled:

USE OF Voting MACHINES TO RECORD AND TALLY VOTE  
NOV 8TH 2022

HEARING

Estimated length of hearing:

Request hearing to be set for: (Select one)

☐ Today ☐ Tomorrow ☒ Within One Week ☐ Within Ten Days

NOTICE

Are all parties represented by counsel at this time? ☐ Yes ☒ No

Have the opposing party(ies) and their attorney(s) been notified? ☐ Yes ☒ No

If answer is yes, when? SERVING SERVICE CERTIFIED MAIL ON 10-21-22

If answer is no, why not?

FILED CASE OF ACTION TODAY

Notice given by: ☐ Phone ☐ Fax ☒ Letter ☐ In Person ☐ Other \*Email

JS 44 (Rev. 04/21)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**LARRY MARKER(b) County of Residence of First Listed Plaintiff CHAVEZ  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

PRO-SC**DEFENDANTS**State of NM  
Governor JAC of State AGCounty of Residence of First Listed Defendant SANTA FE  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Hector Balderas**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                            |   |                            |                            |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                                   | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

Petition for TRO**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

NM Supreme Court

DOCKET NUMBER

5-1-SC-39578

DATE

10-20-22

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_